IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

LA.App..No. 996 of 2002(D) &
CROSS OBJECTION NO. 39 OF 2006

LAR.503/1997 of PRINCIPAL SUB COURT,PARAVUR
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APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER ADV. SMT. K.R. DEEPA.
BY ADV. SRI.RAJAN JOSEPH, ADDL.A.G.

RESPONDENTS/CLAIMANTS & ADDL. RESPONDENT:
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1. JOSEPH, MADATHIPARAMBIL,
ELOOR SOUTH.

2. ST. ANN'S CHURCH, ELOOR.

***ADDL.R3.** THE FERTILIZERS AND CHEMICALS TRAVANCORE LIMITED,
UDYOGAMANDAL, COCHIN – 683 501

(*ADDL. R3 IS IMPLEADED AS PER ORDER DATED 08.11.2004 IN I.A. 2692 OF 2004)

BY ADV. SRI.A.M. SHAFFIQUE
BY ADV. SRI. JAICE JACOB

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 02/02/2007, ALONG WITH C.O NO. 39 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

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L.A.A. No. 996 OF 2002 &
CROSS OBJECTION No. 39 OF 2006

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Dated this the 2nd February , 2007

J U D G M E N T

Sankaran, J:

The Land Acquisition Court relied on the judgment in L.A.R.No. 304 of 1997 to fix the enhanced land value. Learned Government Pleader submits that no appeal was filed against the judgment and decree in L.A.R. No. 304 of 1997. Therefore the challenge in the appeal fails and the appeal is accordingly dismissed.

Respondent has filed a Memorandum of Cross Objection contending that the court below did not grant interest on solatium. As held in **Sunder vs. Union of India** (**2001(7) SCC 211**) the land owner is entitled to interest on solatium as well. Accordingly, the Memorandum of Cross Objection is allowed. Claimants shall be paid interest on solatium as well. The judgment and decree of the court below are modified to the above extent.

KURIAN JOSEPH, JUDGE.

K.T. SANKARAN, JUDGE.

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KURIAN JOSEPH &
K.T. SANKARAN, JJ.

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L.A.A. No. 996 OF 2002 &
CROSS OBJECTION. 39 OF 2006

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Dated this the 2nd February, 2007

J U D G M E N T